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11 Attorneys for SPENCER ROCK PRODUCTS, INC. and  
12 ROBERT A. LAPORE

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

15 UNITED STATES OF AMERICA for the )  
16 use of NORTH STAR TERMINAL & )  
17 STEVEDORE COMPANY, d/b/a Northern )  
18 Stevedoring & Handling, and NORTH )  
19 STAR TERMINAL & STEVEDORE )  
20 COMPANY, d/b/a Northern Stevedoring & )  
21 Handling, on its own behalf, )

22 Plaintiffs, )

23 and )

24 UNITED STATES OF AMERICA for the )  
25 use of SHORESIDE PETROLEUM, INC., )  
26 d/b/a Marathon Fuel Services, and )  
27 SHORESIDE PETROLEUM, INC., d/b/a )  
28 Marathon Fuel Services, on its own behalf, )

Intervening Plaintiffs )

and )

METCO, INC. )

Intervening Plaintiff, )

vs. )

26 NUGGET CONSTRUCTION, INC.; )  
27 SPENCER ROCK PRODUCTS, INC.; )  
28 UNITED STATES FIDELITY AND )  
GUARANTY COMPANY; and ROBERT )  
A. LAPORE, )

Defendants. )

**CASE NO.: A98-009 CIV (HRH)**

**MOTION FOR AN ORDER  
ALLOWING SPENCER ROCK  
PRODUCTS, INC., AND ROBERT  
LAPORE TO APPEAR BY  
TELEPHONE AT THE AUGUST 17,  
2006 STATUS CONFERENCE**

1 With reference to the Court's order for a Status Conference on August 17, 2006, at 10 a.m.  
2 in Courtroom 1, I request on behalf of Robert Lapore that the Court allow him to appear by telephone  
3 on his own behalf and as president of Spencer Rock Products, Inc.

4 Though Spencer Rock Products, Inc., and Robert Lapore are defendants in this case, from  
5 a practical perspective they have been relatively inactive in this case, and will remain so until trial.  
6 Spencer Rock Products, Inc., though directly involved in the circumstances that gave rise to this  
7 lawsuit, is now a defunct corporation with no assets, and has been so for many years. Robert Lapore,  
8 the former president of Spencer Rock, is now retired and living in Florida on his pension. Because  
9 Spencer Rock and Mr. Lapore have little to offer to satisfy any judgment of the magnitude sought  
10 in this case, Nugget Construction, Inc, and its Miller Act bond surety USF&G, are the key defendants  
11 at this point.

12 Because Mr. Lapore and Spencer Rock are relatively inactive in this case, they will have little  
13 input at the Status Hearing. I do not plan to conduct any discovery, file any motions, or offer  
14 anything in settlement. I believe that any input I Mr. Lapore may have can be transmitted effectively  
15 by telephone.

16 The cost to my client to travel to Alaska and make an appearance at the Status Conference  
17 will be several thousand dollars, which he can ill afford. Therefore, I request that the Court allow  
18 Mr. Lapore to appear by telephone.

19 Respectfully submitted this 2<sup>nd</sup> day of August, 2006.

20  
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22 Herrig, Vogt & Stoll  
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California Bar #166917

25 CERTIFICATE OF SERVICE

26 I hereby certify that on August 2, 2006, a copy of the foregoing  
27 Motion for an Order Allowing Lead Counsel for Spencer Rock  
28 Products, Inc., and Robert LaPore, and Their Client Representative,

MOTION FOR AN ORDER ALLOWING CLIENT REPRESENTATIVE TO APPEAR BY TELEPHONE

1 to Appear by Telephone was served electronically on  
2 Traeger Machetanz, Steven J. Shamburek, Paul Stockler,  
Herbert A. Viergutz, Michael W. Sewright and Thomas Krider

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4 s/ C. Patrick Stoll  
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MOTION FOR AN ORDER ALLOWING CLIENT REPRESENTATIVE TO APPEAR BY TELEPHONE